

JUNE 1, 1999

## **MEMORANDUM BY AND BETWEEN THE NEW JERSEY PINELANDS COMMISSION AND THE NEW JERSEY STATE PLANNING COMMISSION**

### **I. Purpose**

This memorandum of agreement (MOA) is meant to ensure that the goals, objectives, and policies adopted by the New Jersey State Planning Commission (SPC) pursuant to the State Planning Act, N.J.S.A. 52:18A-196 et seq. and the New Jersey Pinelands Commission (PC) pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. are supportive of one another. It is also meant to ensure that the standards and practices of the SPC and PC are administered in a manner which:

- A. recognizes the authorities of each agency under its enabling legislation;
- B. affirms that, in the Pinelands Area, the SPC shall rely on the adopted plans and regulations of the PC in developing the State Development and Redevelopment Plan (SDRP);
- C. promotes consistency between the policies, standards and practices of each entity, and in particular, establishes equivalency between PC land management areas and SPC planning areas;
- D. preserves the voluntary nature of municipal utilization of the SDRP ;
- E. recognizes the mandatory conformance of Pinelands Area municipal master plans and land use ordinances with the Pinelands Comprehensive Management Plan (CMP) and the significance of PC certification of those plans and ordinances;
- F. maintains the permitting authority of the PC under its legislation, including the review of development activities undertaken by governmental agencies in the Pinelands Area, and
- G. guides counties and municipalities as to how the plans, policies, standards and practices of the SPC and the PC will be administered.

## **II. Applicability**

- A. This MOA applies to the Pinelands Area where the PC has both planning and regulatory authority.
- B. This MOA also applies to that portion of the Pinelands National Reserve located outside of the Pinelands Area where the PC and SPC exercise planning authority.
- C. This MOA also establishes a consultative process between the PC and SPC for those areas located on either side of the Pinelands boundary.
- D. This MOA acknowledges the statutory treatment of the New Jersey's Pinelands under the Pinelands Protection Act and the State Planning Act and recognizes that the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP .

## **III. Mutual Agreements**

- A. It is mutually agreed and understood that the PC:
  - 1. has the sole discretion and authority to identify and promulgate land use standards, development standards, and permit review procedures pursuant to the Pinelands Protection Act for the purpose of protecting New Jersey's Pinelands Area.
  - 2. has the sole discretion and authority to determine that all Pinelands Area municipal master plans and land use ordinances, other publicly sponsored programs and activities, and all elements thereof, are consistent with the standards of the CMP.
  - 3. recognizes the comprehensive character of the SDRP in that it contains statewide policies covering issues not directly addressed by the CMP.
  - 4. recognizes the importance of consistency between the adopted plans, maps, programs and regulations of various levels of government.
  - 5. recognizes the correlations between SDRP planning areas and CMP land management areas described in Appendix A of this MOA. These correlations will facilitate consistent evaluations of state infrastructure investments and state agency policies and plans within and outside the Pinelands Area.

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6. recognizes consultation arrangements with the SPC is desirable and necessary on certain land use matters described in Section IV of this MOA,
7. recognizes the correlations between certified CMP Regional Growth Areas, Towns and Villages land management areas and SDRP Centers described in Appendices B and C of this MOA. The purpose of these correlations is to convey the benefits of center designation to appropriately classified locations within the Pinelands Area provided that the municipalities within which the Pinelands Growth Area, Town or Village is located remains certified by the PC.
8. recognizes that the SPC may, in the future, determine that SPC endorsement of municipal master plans and land use ordinances that meet the intent, goals and policies of the SDRP is a voluntary means of implementing the SDRP in those municipalities with lands located outside of the Pinelands Area. SPC endorsement would replace the current voluntary SPC process of center designation. Centers of different types would be incorporated in municipal master plans and supporting ordinances.

B. It is mutually agreed and understood that the SPC :

1. has the responsibility to revise and readopt at least every three years thereafter, the SDRP , which shall provide a coordinated, integrated and comprehensive plan for the growth, development, renewal and conservation of the State and its regions and which shall identify areas for growth, agriculture, open space conservation and other appropriate designations.
2. has the responsibility to adopt as part of the plan a long-term Infrastructure Needs Assessment, which shall provide information on present and prospective conditions, needs and costs with regard to State, county and municipal capital facilities, including water, sewerage, transportation, solid waste, drainage, flood protection, shore protection and related capital facilities for the entire State.
3. develops and promotes procedures to facilitate cooperation and coordination among State agencies and local governments with regard to the development of plans, programs and policies which affect land use, environmental, capital and economic development issues.
4. acknowledges the statutory treatment of the New Jersey Pinelands under the Pinelands Protection Act and relies on the adopted plans

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and regulations of the PC to achieve the objectives of the SDRP within the Pinelands Area.

5. recognizes the correlations between SDRP planning areas and CMP land management areas described in Appendix A of this MOA. These correlations will facilitate consistent evaluations of state infrastructure investments and state agency policies and plans, within and outside the Pinelands Area.
6. recognizes that consultation with the PC is desirable and necessary on certain land use matters described in Section IV of this MOA,
7. recognizes the correlations between certified CMP Regional Growth Areas, Towns and Villages and SDRP Centers described in Appendices B and C of this MOA. The purpose of these correlations is to convey the benefits of center designation to appropriately classified locations within the Pinelands Area provided that the municipalities within which the Pinelands Growth Area, Town or Village is located remains certified pursuant to PC standards.
8. recognizes that the SPC may, in the future, determine that SPC endorsement of municipal master plans and land use ordinances that meet the intent, goals and policies of the SDRP is a voluntary means of implementing the SDRP in those municipalities with lands located outside of the Pinelands Area. SPC plan endorsement would replace the current voluntary SPC process of center designation. Centers of different types would be incorporated in municipal master plans and supporting ordinances.

**IV. Responsibilities of the Pinelands Commission and State Planning Commission**

A. The PC shall:

1. inform Pinelands Area municipalities of the advantages of using the correlations set forth in Appendices B and C of this MOA.
2. consider the SDRP Planning Area/CMP land management area correlations set forth in Appendix A of this MOA in its continuing consultation and coordination with the New Jersey Department of Environmental Protection regarding the Coastal Area portion of the Pinelands National Reserve located outside of the Pinelands Area.
3. work with the SPC to more specifically correlate CMP land management areas with SDRP planning areas insofar as that would

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result in a more refined application of SDRP policies within the Pinelands Area.

4. work with the SPC to determine the most appropriate SDRP correlation for those CMP Regional Growth Areas not already identified in Appendix B and to incorporate those correlations into this agreement at the earliest possible time. Until then, the PC will consult with the SPC as necessary to address specific questions about the application of SDRP policies in these areas.
  5. consult with the SPC to reconcile potential incompatibilities between SDRP and CMP land use designations on either side of the Pinelands Area border. These consultations may be initiated by the SPC, PC or by an interested county or municipality.
  6. participate in the periodic review of the SDRP and in the cross-acceptance process of the SDRP .
  7. advise all Pinelands Area municipalities of the comparability of the SPC endorsement of municipal master plan and land use ordinances and the PC certification of municipal master plan and land use ordinances if the SPC determines that endorsement of municipal master plans is the voluntary means of implementing the SDRP for municipalities with lands located outside of the Pinelands Area. SPC plan endorsement would replace the current voluntary SPC process of center designation. Centers of different types would be incorporated in municipal master plans and supporting ordinances.
  8. involve the SPC in the periodic review of the CMP.
  9. exchange data and information with the Office of State Planning.
- B. The SPC shall:
1. incorporate the CMP land management areas for the Pinelands Area, on the Resource Planning and Management Map, official maps of the SDRP.
  2. consider the SDRP planning area/CMP land management area correlations set forth in Appendix A of this MOA in its implementation of SDRP policies and in its consultations with the New Jersey Department of Environmental Protection regarding that portion of the Coastal Area located within the Pinelands National Reserve, but outside of the Pinelands Area.

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3. consult with the Pinelands Commission to more specifically correlate CMP land management areas with SDRP planning areas insofar as that would result in a more refined application of SDRP policies within the Pinelands Area.
4. develop, in consultation with the PC, a system to determine the most appropriate SDRP planning areas and centers correlation for those Pinelands Regional Growth Areas not already identified in Appendix B and to incorporate those correlations into this agreement at the earliest possible opportunity. Until then, the SPC will consult with the PC as necessary to address specific questions about the application of SDRP policies in these areas.
5. consult with the PC to reconcile potential incompatibilities between SDRP and CMP land use designations on either side of the Pinelands Area border. These consultations may be initiated by the SPC, PC or by an interested county or municipality.
6. When advising state agencies and other governmental agencies whether a proposed activity, policy or plan in the Pinelands Area is consistent with the SDRP, advise those agencies:
  - a. that the SPC recognizes the adopted plans and regulations of the PC as the equivalent of the SDRP;
  - b. that PC certification of a municipal land use ordinance and master plan is the equivalent of a municipality completing the process of implementing the SDRP through Center designation;
  - c. of the correlation between SDRP planning areas and CMP land management areas;
  - d. of the equivalency of SPC's endorsement of a municipal master plan and land use ordinance and PC certification of a municipal master plan and land use ordinances, if in the future, the SPC determines that the SPC endorsement of municipal master plan and land use ordinances is the voluntary means of implementing the SDRP for municipalities with lands located outside of the Pinelands Area. SPC plan endorsement would replace the current voluntary SPC process of center designation. Centers of different types would be incorporated in municipal master plans and supporting ordinances.


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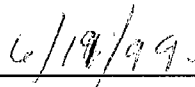
7. participate in the PC's periodic review of the CMP.
8. involve the PC in the SPC's periodic review of the SDRP and in the cross-acceptance process.
9. exchange data and information with the PC.


**V. Effective Date and Duration**

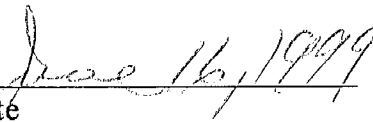
- A. This agreement shall take effect upon signature of the duly authorized representatives of both parties and shall remain in effect until otherwise amended or terminated.
- B. This agreement shall be reviewed every three years by the respective staff of the PC and SPC.
- C. This agreement may be amended by mutual consent of both parties and may be terminated by either party upon 60 days written notice.
- D. This MOA shall take effect upon approval by the authorized representatives of both parties and subsequent to a 10 day Governor's review period.

**VI. Signatures**

  
\_\_\_\_\_  
**Herbert Simmens**  
Executive Director  
New Jersey State Planning  
Commission

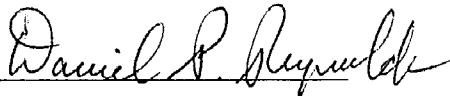
  
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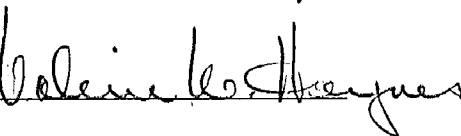
  
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**Terrence D. Moore**  
Executive Director  
New Jersey Pinelands Commission

  
\_\_\_\_\_  
Date

Approved as to form only:

ATTORNEY GENERAL

By: 

By: 

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APPENDIX A

**Planning Areas and Pinelands Management Areas**

<u>Planning Area</u>	<u>Corresponding Pinelands Management Area(s)<sup>1</sup></u>
Metropolitan Planning Area	N/A
Suburban Planning Area	Regional Growth Area <sup>2</sup>
Fringe Planning Area	Rural Development Area
Rural Planning Area	Agricultural Production Area & Forest Area
Rural Environmentally Sensitive Planning Area	Special Agricultural Production Area & Agricultural Production Area
Environmentally Sensitive Planning Area	Forest Area, Preservation Area District & Special Agricultural Production Area
See Appendix B	Pinelands Towns
See Appendix C	Pinelands Villages

Notes

1. Portions of Pinelands Military and Federal Installation Areas may correspond to several Planning Areas.
2. Some Pinelands Regional Growth Areas or portions thereof may also correspond to a center. See Appendix B for details.



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**APPENDIX B**

Certified Pinelands Towns/Regional Growth Areas and State Plan Centers

<u>Municipal Location</u>	<u>Pinelands Management Area Designation</u>	<u>Corresponding Center</u>
Buena Borough & Buena Vista Township	Pinelands Town	Town Center
Egg Harbor City & Galloway Township	Pinelands Town	Town Center
Town of Hammonton & Mullica Township	Pinelands Town	Town Center
Lakehurst Borough	Pinelands Town	Town Center
Manchester Township (Whiting)	Pinelands Town	Town Center
Woodbine Borough	Pinelands Town	Town Center
Berlin Borough & Berlin Township	Pinelands Regional Growth Area	Town Center
Medford Lakes Borough	Pinelands Regional Growth Area	Town Center
Stafford Township	Pinelands Regional Growth Area	Regional Center <sup>3</sup>
Various municipalities	Pinelands Regional Growth Area	To be determined <sup>4</sup>

Notes

3. The Stafford Township Regional Growth Area is associated with a Regional Center designated by the State Planning Commission in that portion of Stafford Township located within the Pinelands National Reserve but outside of the Pinelands Area.
4. Other Pinelands Regional Growth Areas must be evaluated to determine the most appropriate center designations.

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**APPENDIX C**  
Certified Pinelands Villages and State Plan Centers

<u>Name</u>	<u>Municipal &amp; County</u>	<u>Corresponding Center</u>
<b>Atlantic</b>		
Belcoville	Weymouth Twp.	Village
Collings Lake	Buena Vista Twp.	Village
Cologne-Germania	Galloway Twp.	Village
Dorothy	Weymouth Twp.	Village
Elwood	Mullica Twp.	Village
Estell Manor	Estell Manor City	Hamlet
Folsom	Folsom Boro	Village
Milmay	Buena Vista Twp.	Hamlet <sup>5</sup>
Mizpah	Hamilton Twp.	Village
Nesco	Mullica Twp.	Village
Newtonville	Buena Vista Twp.	Hamlet
Pomona	Galloway Twp.	Village
Port Republic	Port Republic City	Village
Richland	Buena Vista Twp.	Village
Sweetwater	Mullica Twp.	Village
Weekstown	Mullica Twp.	Hamlet
<b>Burlington</b>		
New Gretna	Bass River Twp.	Village
Chatsworth	Woodland Twp.	Village
Green Bank	Washington Twp.	Hamlet
Indian Mills	Shamong Twp.	Hamlet
Jenkins	Washington Twp.	Hamlet
Lower Bank	Washington Twp.	Hamlet
New Lisbon	Pemberton Twp.	Hamlet
Tabernacle	Tabernacle Twp.	Hamlet
Vincentown	Southampton Twp.	Village <sup>6</sup>
<b>Camden</b>		
Blue Anchor	Winslow Twp.	Village
Elm	Winslow Twp.	Hamlet
Tansboro	Winslow Twp.	Hamlet
Waterford Works	Winslow Twp./Waterford Twp.	Village
Winslow	Winslow Twp.	Hamlet

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<u>Name</u>	<u>Municipal &amp; County</u>	<u>Corresponding Center</u>
<b>Cape May</b>		
Belleplain	Dennis Twp.	Village
Dennisville	Dennis Twp.	Village
Eldora	Dennis Twp.	Hamlet
North Dennis	Dennis Twp.	Hamlet
Petersburg	Upper Twp.	Village
Tuckahoe	Upper Twp.	Hamlet
<b>Cumberland</b>		
Cumberland-Hesstown	Maurice River Twp.	Hamlet
Dorchester-Leesburg	Maurice River Twp.	Village
Delmont	Maurice River Twp.	Hamlet
Milmay	Maurice River Twp.	Hamlet <sup>5</sup>
Port Elizabeth	Maurice River Twp.	Village
<b>Ocean</b>		
Bamber Lake	Lacey Twp.	Hamlet
Beckerville	Manchester Twp.	Hamlet
Brookville	Barnegat Twp./Ocean Twp.	Hamlet
Cassville	Jackson Twp.	Village
Légler	Jackson Twp.	Hamlet
Vanhiseville	Jackson Twp.	Hamlet
Warren Grove	Little Egg Harbor Twp./Stafford Twp.	Hamlet

Notes

5. Milmay is located in Maurice River Township. Cumberland County and Buena Vista Township, Atlantic County.
6. The vast majority of Vincentown is located outside of the Pinelands Area. Therefore, recognition of the Pinelands Area portion as a village center is dependent upon the State Planning Commission's designation of the balance of Vincentown as a center.